



General Assembly

February Session, 2000

Raised Bill No. 5882

LCO No. 2509

Referred to Committee on Judiciary

Introduced by:
(JUD)

An Act Concerning Sexual Assault.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 53a-70 of the general statutes, as amended by
2 section 49 of public act 99-2 of the June special session, is repealed and
3 the following is substituted in lieu thereof:

4 (a) A person is guilty of sexual assault in the first degree when such
5 person (1) compels another person to engage in sexual intercourse by
6 the use of force against such other person or a third person, or by the
7 threat of use of force against such other person or against a third
8 person which reasonably causes such person to fear physical injury to
9 such person or a third person, or (2) engages in sexual intercourse with
10 another person and such other person is under thirteen years of age
11 and the actor is more than two years older than such person, or (3)
12 commits sexual assault in the second degree as provided in section
13 53a-71 and in the commission of such offense is aided by two or more
14 other persons actually present, or (4) engages in sexual intercourse
15 with another person and such other person is mentally incapacitated to
16 the extent that such other person is unable to consent to such sexual
17 intercourse.

18 (b) Sexual assault in the first degree is a class B felony for which two
19 years of the sentence imposed may not be suspended or reduced by
20 the court or, if the victim of the offense is under ten years of age, for
21 which ten years of the sentence imposed may not be suspended or
22 reduced by the court, and any person found guilty under this section
23 shall be sentenced to a term of imprisonment and a period of special
24 parole pursuant to subsection (b) of section 53a-28 which together
25 constitute a sentence of at least ten years.

26 Sec. 2. Section 53a-71 of the general statutes is repealed and the
27 following is substituted in lieu thereof:

28 (a) A person is guilty of sexual assault in the second degree when
29 such person engages in sexual intercourse with another person and: (1)
30 Such other person is thirteen years of age or older but under sixteen
31 years of age and the actor is more than two years older than such
32 person; or (2) such other person is mentally defective [or mentally
33 incapacitated] to the extent that [he] such other person is unable to
34 consent to such sexual intercourse; or (3) such other person is
35 physically helpless; or (4) such other person is less than eighteen years
36 old and the actor is such person's guardian or otherwise responsible
37 for the general supervision of such person's welfare; or (5) such other
38 person is in custody of law or detained in a hospital or other institution
39 and the actor has supervisory or disciplinary authority over such other
40 person; or (6) the actor is a psychotherapist and such other person is
41 (A) a patient of the actor and the sexual intercourse occurs during the
42 psychotherapy session, (B) a patient or former patient of the actor and
43 such patient or former patient is emotionally dependent upon the
44 actor, or (C) a patient or former patient of the actor and the sexual
45 intercourse occurs by means of therapeutic deception; or (7) the actor
46 accomplishes the sexual intercourse by means of false representation
47 that the sexual intercourse is for a bona fide medical purpose by a
48 health care professional; or (8) the actor is a school employee and such
49 other person is a student enrolled in a school in which the actor works
50 or a school under the jurisdiction of the local or regional board of

51 education which employs the actor.

52 (b) Sexual assault in the second degree is a class C felony for which
53 nine months of the sentence imposed may not be suspended or
54 reduced by the court.

Statement of Purpose:

To address the increased use and power of "date-rape" drugs by increasing the penalty for a person who engages in sexual intercourse with another person who has been rendered temporarily incapable of appraising or controlling his or her conduct owing to the influence of a drug or intoxicating substance administered to such other person without his or her consent.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]